

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES D. HABURN,
and
STEFANIE A. RODEN,
Plaintiffs,

v.

JOHN F. KILBY,
and
THE BANK OF FINCASTLE,
Defendants.

Civil Action No. 7:04cv00336

FINAL ORDER

By: James C. Turk
Senior United States District Judge

The court held a trial in this case before a seven-member jury on June 10, 2008. After the jury was impaneled and after opening statements, plaintiffs presented two proposed exhibits which the Court directed the Clerk to mark for identification purposes only.

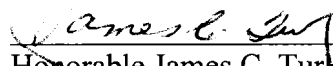
The Court requested plaintiffs to call their first witness. Plaintiffs stated, however, that they relied on the law, even though the court informed them that they had the burden of proving their case by a preponderance of the evidence and that unless they presented witnesses, there was no evidence to support their claims. In spite of this, plaintiffs announced that they rested. Subsequently, defendants moved the court for judgment as a matter of law, on the ground that there was no evidence in support of plaintiffs' claims. The Court, deeming the defendants' motion well-taken, granted the defendants' motion for judgment as a matter of law.

It is accordingly **ADJUDGED** and **ORDERED** that Plaintiffs recover nothing from the defendants in this action.

The Clerk is directed to strike this case from the active docket of the court and to send

a copy of this order to each of the plaintiffs and to counsel of record for the defendant.

ENTER: This 11th day of June, 2008



Honorable James C. Turk
Senior United States District Judge